



December 22, 2025

PA-2025-33

## Policy Alert

SUBJECT: Violence Against Women Act

### Purpose

U.S. Citizenship and Immigration Services (USCIS) is updating policy guidance in the [USCIS Policy Manual](#) to clarify policies and requirements for aliens seeking classification as a Violence Against Women Act (VAWA) self-petitioner.

### Background

The USCIS Policy Manual provides guidance for the public and USCIS officers regarding the eligibility requirements and policies governing VAWA self-petitions. Certain aliens who have a qualifying relationship to a U.S. citizen (USC) or lawful permanent resident (LPR), and have been subject to battery or extreme cruelty, may be eligible for a VAWA self-petition. If approved, and the alien meets other eligibility requirements, self-petitioners may be eligible for lawful permanent residence. Aliens file the Petition for Amerasian, Widow(er), or Special Immigrant ([Form I-360](#)) to apply. This guidance, contained in Volume 3 of the Policy Manual, is effective immediately and applies to requests pending or filed on or after the publication date. The guidance contained in the Policy Manual is controlling and supersedes any related prior guidance.

### Policy Highlights

- Codifies long-standing practices and gives a more detailed explanation of the provisions of VAWA that apply to USCIS adjudications.
- Streamlines and clarifies the expectations of submitted evidence and reduces the need for Requests for Evidence (RFEs) or Notices of Intent to Deny (NOIDs).
- Reinforces the statutory mandate under [INA 204\(a\)\(1\)\(J\)](#) and the regulatory requirement at [8 CFR 103.2\(b\)\(2\)\(iii\)](#), that the determination of what evidence is credible and what weight to be given that evidence is within the sole discretion of USCIS.

- Requires a self-petitioner to establish he or she entered into a good faith marriage<sup>1</sup> with the alleged abuser by providing primary evidence of the marital relationship including, but not limited to, a legally valid marriage certificate, proof of the legal termination of all prior marriages, and bona fide evidence of the relationship.
- Highlights requirements of initial evidence and provides clearer explanation of the “any credible evidence” provision.
- Adds clarifying language related to good faith marriage and separation.
- Corrects terminology throughout this comprehensive update to more closely align with the applicable statutory and regulatory language (for example, USCIS removed the term “polygamy” from the discussion of intended spouses as the statute specifies only the term “bigamy”).
- Clarifies current USCIS application of statutory bars as written at [INA 204\(c\)](#), for fraudulent marriages, and [INA 204\(g\)](#), for eligibility to apply as VAWA self-petitioners.
- Elaborates on, clarifies, and provides additional context for how USCIS considers the “battery and extreme cruelty” and “good moral character” requirements during adjudication of VAWA self-petitions.
- Revises policy to require that the self-petitioner reside with the abuser during the qualifying relationship.
- Amends the policy relating to the termination of a step-relationship upon death of either the biological or legal parent or child such that the self-petitioner must provide evidence that the relationship with the surviving abusive parent or child continues after filing.

## Summary of Changes

Affected Section: Volume 3 > Part D > Violence Against Women Act

- Revises Part D (Violence Against Women Act) in its entirety.

USCIS may also make other minor technical, stylistic, and conforming changes consistent with this update.

## Citation

Volume 3: Humanitarian Protection and Parole, Part D, Violence Against Women Act [[3 USCIS-PM D](#)] (Chapters 1-6).

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<sup>1</sup> See [8 CFR 204.2\(c\)\(2\)\(ii\)](#). This does not impact the requirements for intended spouses. The update does not change the policy or requirement that a self-petitioning spouse must have a legally valid marriage to his or her abusive USC or LPR spouse at the time the petition is filed, except for the statutory exemptions to this requirement.

### **Additional Considerations**

USCIS is providing clarification and explaining how USCIS has always applied these terms, eligibility requirements, and statutory bars. This update highlights regulatory and statutory language describing the battery and extreme cruelty requirement including explanations provided within the preamble to the 1997 Interim Rule.<sup>2</sup> Specifically, it provides clarifying language that USCIS must look to the motivation and the impact of the alleged harm, not merely the question of whether or not hurtful conduct occurred. Similarly, while the USCIS Policy Manual currently refers to “any credible evidence”, the 1997 Interim Rule repeatedly referenced “any relevant credible evidence.”<sup>3</sup> This update places an emphasis on the relevant, probative, and credible nature of the evidence the self-petitioner should submit. USCIS will continue to apply the definition of battery and extreme cruelty under [8 CFR 204.2\(c\)\(1\)\(vi\)](#) and [8 CFR 204.2\(e\)\(1\)\(vi\)](#), and officers will continue to consider any credible evidence in the totality of the circumstances. These edits are necessary to assist the public in submitting more complete evidence and reduce the need for RFEs, which in turn contributes to processing delays.

Additionally, this policy elaborates on how USCIS considers information related to an alien’s good moral character. Good moral character determinations are made on a case-by-case basis, using the standard of the average citizen of the community. This clarification in the policy update does not change the policy, but instead provides guidelines and explanation regarding how USCIS assesses this information. This policy update removes language stating that USCIS does not deny a VAWA self-petition solely for failure to submit certain evidence of good moral character. However, the burden of proof rests with the self-petitioner, not USCIS. An affidavit is primary evidence of good moral character, but USCIS retains sole discretion to determine what evidence is credible and the weight to be given that evidence.<sup>4</sup> USCIS may request additional evidence as appropriate. Affidavits that lack sufficient detail, specificity, and reliability will always be considered by officers, but may not be afforded a significant amount of weight in the [Form I-360](#) adjudication compared to other evidence in the record. Further, USCIS requires the self-petitioner to reside with the abuser during the qualifying relationship. This is a shift from USCIS’ previous policy allowing the self-petitioner to have resided with the abuser in the past. USCIS believes that this interpretation best aligns with the plain language of [INA 204\(a\)\(1\)\(A\)\(iii\)\(II\)\(CC\)\(dd\)](#) while preserving program integrity and continuing to protect qualifying victims.

USCIS amended the policy relating to the termination of a step-relationship upon the death of either the biological or legal parent or child such that the self-petitioner must provide evidence that the relationship with the surviving abusive parent or child continues after filing. USCIS believes this change in policy best implements the language and intent of the statute, will assist USCIS in ensuring the benefits for VAWA are applied to the appropriate population designated by Congress, and will ensure the integrity of the program. USCIS is not changing its evidentiary requirement regarding submission of any credible evidence. The requirement that VAWA self-petitioners do not have to demonstrate that primary or secondary evidence is unavailable has not changed. This update

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<sup>2</sup> See Petition to Classify Alien as Immediate Relative of a United States Citizen or as a Preference Immigrant; Self Petitioning for Certain Battered or Abused Spouses and Children, [61 FR 13061](#) (Mar. 26, 1996).

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<sup>4</sup> See [INA 204\(a\)\(1\)\(J\)](#). See [8 CFR 103.2\(b\)\(2\)\(iii\)](#).

significantly restructures the section about any credible evidence to help aliens submit the best evidence with the initial submission and to provide clearer guidance regarding how officers should evaluate the evidence submitted. USCIS is not changing agency practice regarding the applicability of any credible evidence under [INA 204\(a\)\(1\)\(J\)](#), but it is providing clarification to officers and the public on the requirements, burden of proof, and sufficiency of evidence. USCIS considered the reliance interests and retroactive impacts of applying the above listed changes to the policy at Volume 3, Part D, Violence Against Women Act, to VAWA self-petitioners with pending self-petitions. USCIS determined that these changes may adversely impact some self-petitioners, but interests in program integrity and aligning with the statutory language of the Violence Against Women Act and regulatory requirements, outweigh any such reliance interests and retroactive impacts.